

REMARKS

In the Official Action dated July 23, 2004, the Examiner stated that a provisional election was made with the right of traverse to prosecute the invention of Group I, claims 1-11, 14, 18 and 19, drawn to compounds, simple compositions, and first recited use (psychotic disorders) of formula (I) where $X=N$, $a=1$. Applicants affirm this election and have cancelled claims 12, 13, 15-17, 20 and 21 without prejudice as being directed to non-elected subject matter. Applicants reserve the right to file a continuing application directed to the deleted subject matter.

The Examiner objected to the abstract, alleging that it does not disclose Applicants' intended utility. Claims 8, 14, 18 and 19 have been rejected under 35 U.S.C. §112, paragraph 2, as allegedly indefinite. Claims 1-5, 10-11, 14, and 18-19 have been rejected under 35 U.S.C. §102(b), as allegedly anticipated in view of Kulagowski. Claims 7-9 have been rejected under 35 U.S.C. §103(a) as allegedly anticipated in view of Kulagowski. Claims 1-11, 14, 18 and 19 have been rejected for allegedly being drawn to an improper Markush group. The disclosure has been objected to for allegedly not containing parent history.

This response addresses each of the Examiner's objections and rejections. Accordingly, the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

Claims 1-21 have been cancelled and new claims 22-27 have been added. New claim 23 corresponds to original claim 9, new claim 24 corresponds to original claim 10, new claim 25 corresponds to original claim 11, new claim 26 corresponds to original claim 14, and new claim 27 corresponds to original claim 18. Entry of this amendment is respectfully requested.

The Examiner objected to the abstract, alleging that it does not disclose Applicants' intended utility. In response, Applicants have amended the abstract to include the phrase "useful for the treatment of central nervous system disorders", in the abstract. This phrase states the intended utility of the compounds is described in the abstract. Accordingly, Applicants' respectfully request removal of this rejection.

Claims 8, 14, 18 and 19 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Specifically, the term “includes” in claim 14 has been objected to, and claims 18 and 19 have been objected to for allegedly being duplicate claims. Claim 8 has been cancelled, so this rejection of claim 8 has been rendered moot. Claim 14, which corresponds to new claim 27, has been amended to replace the term “include” with the Markush group “selected from the group consisting of”. Accordingly, this rejection of claim 14 has been obviated. In addition, claim 19 has been cancelled, so the rejection of claims 18 and 19 is rendered moot. Accordingly, Applicants respectfully request removal of these rejections under 35 U.S.C. §112, second paragraph.

Claims 1-5, 10-11, 14, and 18-19 have been rejected under 35 U.S.C. §102(b), as allegedly anticipated in view of Kulagowski. The Examiner states that Kulagowski discloses several compounds within the scope the claimed invention. Applicants respectfully traverse this rejection. Claims 1-21 have been canceled, without prejudice and new claim 22 discloses specific compounds, all of which are not disclosed or suggested in Kulagowski et al. Since the specific compounds in new claim 22 are not disclosed in Kulagowski, et al., and because new claims 23-27 depend on new claim 22, new claims 22-27 are novel over Kulagowski, et al.

Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. §102(b) is overcome. Withdrawal of the rejection is respectfully requested.

Claims 7-9 have been rejected under 35 U.S.C. §103(a) as allegedly anticipated in view of Kulagowski. Applicants respectfully traverse.

Kulagowski, et al. do not suggest or disclose the specific compounds in claim 22. In addition, Kulagowski, et al. do not motivate one skilled in the art to pick and choose from the myriad of different possible substituents to arrive at the specific compounds of the claimed invention. A *prima facie* case of obviousness has therefore not been established.

Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. §103(a) is overcome. Withdrawal of the rejection is respectfully requested.

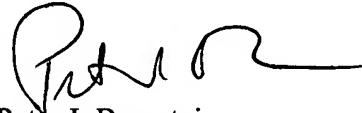
Claims 1-11, 14, 18 and 19 have been rejected as allegedly drawn to an improper Markush group. The Examiner stated that deleting the non-elected subject matter would remove this rejection. Since Applicants have removed the non-elected

subject matter, withdrawal of this rejection is respectfully requested.

The disclosure has been objected to for allegedly not containing parent history. In response Applicants have amended the specification to include a cross reference to related applications, which also includes the parent history. Accordingly, Applicants respectfully request removal of this objection.

Thus, in view of the foregoing amendments and remarks, the application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter I. Bernstein", with a stylized flourish at the end.

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